IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3048 OF 2006.

Smt. Sindhubai Dnyaneshwar Khude ..Applicant.
V/s
The State of Maharashtra .. Respondent.

Mrs. Pranali Kakade for the applicant
Mrs. M.M. Deshmukh, A.P.P. for the State.

CORAM : S.C. DHARMADHIKARI, J.

DATE : 28TH AUGUST, 2006.

P.C.

. Heard Mrs. Kakade appearing for the applicant and Mr. Deshmukh, learned A.P.P. for the respondent.

2. The applicant was arrested on 7th July, 2006 in connection with CR. No.57/2006 of Manchar Police Station. The offences alleged are punishable under Sections 498-A, 306, 304-B and section 504 r/w 34 of Indian Penal Code.

3. The applicant preferred Criminal Application No. 1127 of 2006 for bail before the learned Sessions Judge, but the same was rejected.

4. Mrs. Kakade appearing for the applicant has

invited my attention to section 437 of Code of Criminal Procedure, as amended and has contended that the applicant is the mother-in-law of the deceased. She submits that the FIR is lodged on 7th July 2006 and immediately applicant has been taken in custody. The applicant along with her son, who is husband of the deceased have been in custody from 7th July, 2006.

5. She submits that the application is filed by woman accused and despite the stringent and strict provisions of the Code of Criminal Procedure in so far as women accused are concerned, the Court can enlarge the applicant on bail. She submits that even in case of offence punishable under section 498A, 306, 304B, the mandate of first proviso to section 437 (1)(i) cannot be ignored.

6. Mrs. Deshmukh, the learned A.P.P. has contended that offence is serious in as much as clear allegations of ill-treatment and cruelty as also harassment on account of dowry are made against both, the applicant as well as husband of the deceased. The deceased committed suicide within two months of marriage. In such circumstances, this Court should not

entertain this application or in any event pass appropriate order in accordance with law.

7. Without going into the seriousness of the charges when the investigations are still pending, it is clear from a perusal of the provision empowering this Court enlarging a woman accused on bail that the applicant being woman accused who is in custody for more than a month and half, her application can be granted.

8. The applicant being a woman accused is entitled to the benefit of law. Thisis no expression in any manner on the merits or prima facie charge against the accused as also husband who is in custody. Accordingly the following order:-

i) The applicant arrested in connection with CR.No.57/2006 registered with Manchar Police Station shall be enlarged on bail subject to furnishing a personal bond of Rs.10,000/- with one or two local sureties in the like amount.

ii) The bail is granted subject to condition that the applicant shall attend Manchar Police Station twice

a week till the charge-sheet is filed and thereafter once in every fortnight till the conclusion of the trial.

iii) The order of bail will be given effect only after the applicant furnishes to the investigating officer the details about her place of residence and address where she proposes to stay after she is enlarged on bail. The applicant will not change her residential address thereafter till the conclusion of trial without prior intimation to the Investigating officer.

iv) The bail is granted subject to condition that the applicant shall not directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

v) The applicant shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

vi) Any observation made in this order shall not be

construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application is disposed of in above terms.

viii) Parties to act on an authenticated copy of this order.

(S.C. DHARMADHIKARI, J.)